

APPLICATION FOR NOMINATION TO THE CIRCUIT COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: 11-13-18 Florida Bar No.: 0044167

GENERAL: Social Security No. [REDACTED]

1. Name DANIEL KARL HILBERT E-mail: [REDACTED]
Date Admitted to Practice in Florida: 10/08/2007
Date Admitted to Practice in other States: N/A

2. State current employer and title, including professional position and any public or judicial office.
PARTNER, CANAN LAW, PA

3. Business address: 1030 N. PONCE DE LEON BLVD
City SAINT AUGUSTINE County Saint Johns State FL ZIP 32084
Telephone (904) 824-9402 FAX (904) 824-9269

4. Residential address:
City [REDACTED] County [REDACTED] State FL ZIP [REDACTED]
Since 2014 Telephone [REDACTED]

5. Place of birth: [REDACTED]
Date of birth: [REDACTED] Age: 39

6a. Length of residence in State of Florida: 15 YEARS (SINCE FALL 2003)

6b. Are you a registered voter? [X] Yes [ ] No
If so, in what county are you registered? SAINT JOHNS COUNTY

7. Marital status: MARRIED
If married: Spouse's name B.H.
Date of marriage [REDACTED]
Spouse's occupation [REDACTED]

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.
N/A

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
G.H.	8	N/A	
S.H.	4	N/A	

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
N/A	N/A	N/A	N/A
Rank at time of discharge	<u>N/A</u>	Type of discharge	<u>N/A</u>
Awards or citations	<u>N/A</u>		

**HEALTH:**

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s).

No.

11a. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism?

Yes  No

If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.]

Please describe such treatment or diagnosis.

N/A

11b. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner?

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite

- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes  No

If yes, please explain.

In December of 2011 I strategically defaulted on a Loan and eventually negotiated a settlement where I paid a large lump sum of money to the creditor, Discover Bank. I was not taken to court and there is no judgment outstanding. I generated debt putting myself through law school, getting married, having a child, and having my child hospitalized with pneumonia 3 months after birth after changing health insurance. I feared that I would be unable to handle any future unforeseen major expenses and strategically defaulted to create breathing room in my finances so that I could pay off my other debt and prepare for anything i.e. child illness or loss of job. In no way, shape or form will this interfere with my ability to work in a competent and professional manner as it was a one-time necessity. There have been no financial issues before or since this one time issue several years ago.

- 12a. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

Yes  No

- 12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes  No

Describe such problem and any treatment or program of monitoring or counseling.

N/A

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, give full details as to court, date and circumstances.

No.

14. During the last ten years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under

supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

No.

15. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No.

16. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.

No.

17. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No.

**EDUCATION:**

- 18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Westminster College	Graduated	Aug 1998 - May 2003	Bachelor of Art
Florida Coastal School fo Law	Graduated	Aug 2003 - May 2006	Juris Doctorate
Saint Louis Community College - Meremac	N/A	Jan 2000 - May 2000	N/A
Saint Louis Community College - Forest Park	N/A	Jun 2000 - Jul 2000	N/A

- 18b. List and describe academic scholarships earned, honor societies or other awards.

Board Certified in Criminal Law: Fall 2016  
Law School GPA: 3.05  
Dean's Scholar Award (Top 10%): Fall 2005  
Dean's List Awards (Top 20%): Spring 2004/Spring 2005/Spring 2006  
Mock Trial Team: 2004 - 2006  
Best Advocate Mock Trial Team 2006

Best Trial Team: Trial Practice Competition 2005  
 Best Objections: Trial Practice Competition 2005  
 Best Oral Advocate: Lawyer Process Spring 2004  
 Honor Court Justice: Fall 2005 - Spring 2006  
 Pupil to Chester Bedell Inn of Court: 2005 - 2006  
 Criminal Law Society (Secretary 2004)  
 Humanitarian Service Award: 2006  
 Teacher Assistant to Trial Practice Class: Fall 2005  
 Teacher Assistant to Lawyering Process II Class: Fall 2005  
 Member of Phi Delta Theta Fraternity  
 Member of Westminster Football Team  
 Certificate of Appreciation for Operation "Rock Star" a Tri-County Narcotics Task Force Prosecution

**NON-LEGAL EMPLOYMENT:**

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
Jimmy's Café on the Park	Waiter / Chef	Jimmy Cristo	No Longer in Business Clayton, MO 63105
Eagle Group, LLC	General Labor for Residential Home Rehabilitation Company	Jim Crews	No Longer in Business Saint Charles, MO
Tap Room, LLC Florida Coastal	Bartender	Stacy Clinton	No Longer in Business Fulton, MO
School of Law	Study Group Teacher	Odessa Alm	8787 Baypine Road, Jacksonville, FL 32256

**PROFESSIONAL ADMISSIONS:**

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
State of Florida	10/8/2007
United States District Court - Middle District of Florida	2/17/2011

**LAW PRACTICE:** (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Assistant State Attorney	7th Judicial Circuit State Attorney's Office	410 Saint Johns Avenue, Palatka, Florida 32178	2007-2009
Assistant State Attorney	4th Judicial Circuit State Attorney's Office	220 East Bay Street, Jacksonville, Florida 32202	2009-2010
Associate Attorney	Alexander Law Firm, LLC	19 Old Mission Avenue, Saint Augustine, Florida 32084	2010-2014
Partner	Canan Law	1030 N. Ponce De Leon Blvd, Saint Augustine, Florida 32084	2015-Present

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

Current Practice: I currently am working in a general practice. I concentrate in the areas of Criminal Law, Family Law, Civil Litigation and Personal Injury. I also do some transactional work for businesses and individuals; mostly revolving around contract drafting and review.

Typical Client: On a weekly basis I will routinely visit with clients dealing with the following issues: Criminal Defense, including expungements and sealings and traffic cases; Divorce, Child Custody, Alimony and Injunctions; Personal Injury, Automobile Accidents, Premises Liability; and Contract issues, to include non-compete contracts, landlord/tenant disputes, ejectments and evictions.

Outside of the typical criminal, family, contract and personal injury cases. I have specifically, but less often, handled cases in the following areas: Appeals, including conducting an Oral Argument before both the 5<sup>th</sup> DCA and Circuit Court Judges J. Michael Traynor and Howard Maltz; foreclosure; tax malpractice; small claims cases; termination of parental rights; Marchman Act proceedings; dangerous dog litigation; HOA violations; NOAA violations; and civil theft/fraud.

Finally, outside of specific individuals, I currently represent or have previously represented the following businesses: a pre-school, a pest control company, a construction company, a restaurant, a photographer, a landscaper and an engineering firm.

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court		Area of Practice	
Federal Appellate	<u>0</u> %	Civil	<u>25</u> %
Federal Trial	<u>0</u> %	Criminal	<u>65</u> %
Federal Other	<u>0</u> %	Family	<u>5</u> %
State Appellate	<u>1</u> %	Probate	<u>0</u> %
State Trial	<u>98</u> %	Other	<u>5</u> %
State Administrative	<u>1</u> %		
State Other	<u>0</u> %		
	<u>    </u> %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury?	<u>36</u>	Non-jury?	<u>40+</u>
Arbitration?	<u>0</u>	Administrative Bodies?	<u>2</u>

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

In January of 2005, I was hired by J. Scott Nooney along with two other law clerks to write demand letters for his Personal Injury Law Firm. Around that April, Mr. Nooney hired two additional attorneys to grow his practice and expand into other areas of litigation. At the same time, I was accepted as an Intern at the County Prosecutor's Office in Saint Louis, Missouri for that summer beginning in June. As a result, I was terminated early to clear salary for the new attorneys and was selected over the other two interns because of my pending internship.

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No.

**(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)**

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

See Attached Exhibit A for Specific Details, Here are the last 1<sup>st</sup> Chair Trials

- (1) Belton Trial: Mark Lewis. Office of the State Attorney, [REDACTED]
- (2) Donnini et al v. Wright: Rob Cook. Private Lawyer [REDACTED]
- (3) Howard Trial (St. Johns): Sam Frazer. Former ASA [REDACTED]
- (4) Howard Trial (Flagler): Joe Ledonne. Office of the State Attorney [REDACTED]
- (5) Gebert Trial: Angela Rogers. Office of the State Attorney [REDACTED]
- (6) Tinsley Trial: Kelsey Bledsoe [REDACTED] and Ben Rich ([REDACTED])

27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

- (1) State v. Allen Roberts (2018CF0630) Sharleen Sullivan [REDACTED]
- (2) State v. Diamond Morris (2014CF1871) Kaitlyn Mairs [REDACTED]
- (3) State v. Laura Stedman (2018CTMA0427) Ross Presnell [REDACTED]
- (4) State v. Frankie Lawson (2016CF0313) Cara Devlin [REDACTED]
- (5) State v. Connor Austgen (2018CF0690) Kaitlyn Mairs [REDACTED]
- (6) State v. Evan Miller (2018CF1059) Ben Rich [REDACTED]

27c. During the last five years, how frequently have you appeared at administrative hearings?  
1-2 average times per month

27d. During the last five years, how frequently have you appeared in Court?  
15+ average times per month

27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? 99% Defendants?  
1%

28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

N/A



29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

N/A

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

(1) 09/22 - 09/27/2008: State of Florida v. Baldemar Riojas, Sr. 2005CFMA0653 - First Chair

Opposing Counsel: Brad Bradley (386) 312-0811 and Robert Fields [REDACTED].

Judge: Circuit Court Judge Ed Hedstrom in Putnam County, Florida.

Facts: The Defendant was charged with 6 counts of Attempted Murder. This was the largest shooting in Putnam County history, or so I was told. The Trial lasted 6 days and revolved around an issue of self defense. The Defendant, a member of the Mexican Mafia, lived directly across the street from the Victims, who were all members of the Latin Kings. The Jury found the Defendant not guilty because, no matter how hard I tried, I could not get the victims to admit they also fired firearms during the shootout. It was my firm belief that they did so in self-defense and the Defendant was the aggressor based upon the fact that all 6 of my victims were either shot in the side or the back while attempting to escape the shootout. However, that is a hard sell to a jury beyond a reasonable doubt without full victim cooperation. I learned more from this loss than any of my victories. This holds true almost 10 years later.

(2) 04/09/2009: State of Florida v. Ronnie Dale Quillan. 2008CFMA090 - First Chair

Opposing Counsel: John Stephenson [REDACTED].

Judge: Circuit Court Judge Ed Hedstrom in Putnam County, Florida.

Facts: The Defendant was charged with trafficking in a large quantity of Oxycodone. This case sticks out in my mind because the supervising officer violated the rule of sequestration with another testifying officer. While not traditionally a problem (it happened in a prior trial of mine with the DEA), the supervising officer subsequently lied under oath and denied discussing the case in violation of the rule. Unfortunately for him, the other officer had already admitted the transgression. I ultimately pled the case mid-trial, however, I learned a lot from that experience. Additionally, Mr. Stephenson is a very experienced and talented litigator; any time you can try a case against someone like that, you walk away a better lawyer.

(3) 08/27 - 08/28/2009: State of Florida v. Dale Bernard Green. 2008CF1908 - First Chair

Opposing counsel: John Stephenson.

Judge: Circuit Court Judge Ed Hedstrom in Putnam County, Florida.

Facts: The Defendant was charged with Arson for attempting to burn his girlfriend alive while sleeping in her home. The Defendant had served over ten years in prison on a prior charge of aggravated kidnapping of a prior girlfriend. I have listed this case because you do not get many chances to deal with complex Arson cases; additionally, I did not know I was going to be trying the case till the Monday morning of Jury Selection when my docket partner fell ill. The only part I played in the case prior to the Jury Selection was sitting in on the Deposition of the Fire Marshall. Other than that, I had not talked to one witness or read one report. I had to get up to speed quickly, especially since I was facing Mr. Stephenson who is a very experienced litigator.

(4) 12/05/13: In re K.L., a Minor Child. DP11-0069 - Second Chair

Opposing Counsel: Joe Anthony, Esq., [REDACTED]; Courtney Fluegel, RCC [REDACTED]

Judge: Circuit Court Judge John M. Alexander in St. Johns County, Florida.

Facts: We represented the Foster Parents of a young child - who had been placed in care for over 2 years - in a Petition for Termination of Parental Rights. He was removed from his family for very serious reasons. Ultimately, we won the trial and he was permanently placed with the Foster Parents. I handled the appeal of this matter as well and the Judgment was upheld. Very rewarding trial and appeal as we gave the minor child a greater chance at a normal life.

(5) 01/23/17: State v. Kasim Howard, 2014CF0561 - First Chair

Opposing Counsel: Joe Ledonne, [REDACTED]

Judge: Circuit Court Judge Dennis Craig in Flagler County, Florida.

Facts: I represented Mr. Howard on four charges of Aggravated Assault with a Firearm and one count of Carrying a Concealed Firearm. This was probably the most nerve racking trial I have had because my client was facing serious prison time if we lost. I appreciated that my client said from the beginning that he was not going to plea. It was actually a little bit freeing to just take a case from the beginning and prepare for trial versus fret over the negotiation process. I feel fortunate to have won the trial.

(6) 04/26/17 - 04/28/17: Dhillon et al v. Avvaru et al., 2012CA1427 - First Chair

Opposing Counsel: Tushaar Desai, [REDACTED]

Judge: Circuit Court Judge Michael Orfinger presiding in St. Johns County, Florida.

Facts: This was the most complex civil litigation I have had to date. The matter revolved around an IT Staffing Company and a dispute that arose between 5 different business "partners." Ultimately, the partners reached an impasse in their attempt to amicably wind down and the plaintiffs sued my client and the business for a variety of causes of action. We countersued and added a few more causes of action and litigated the matter for five years. We held a non-jury trial this year. After three days of trial, the Judge ruled in my client's favor on all counts. I enjoyed the change of pace with a civil trial versus the extra stress added to a criminal trial that revolves around your client's possible long term incarceration.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

Please See Attached Exhibit B1 and B2:

(1) Petition for Writ of Certiorari, Bernard Rossignol v. DHSMV 2013CA1726

(2) Motion to Dismiss, State v. Moses King 2017CF0041

**PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:**

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

I previously filed to run for Judge J. Michael Traynor's position in 2018. My campaign was cut short in late 2017 at the request of my wife who wanted to wait until our children were older. I refocused on the 2020 election for Judge John M. Alexander's position. I am currently in an active campaign for that purpose.

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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N/A

N/A

N/A

Types of issues heard: N/A

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

No

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

N/A

(ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

N/A

(iii) List citations of any opinions which have been published.

N/A

(iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

N/A

(v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

N/A

(vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

N/A

(vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

N/A

**BUSINESS INVOLVEMENT:**

33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

Past President - Saint Johns County Sports Club (Non-Profit Organization) -- Dedicated to Honoring Local Sports.

Board Member - City of Saint Augustine Rotary Club (Non-Profit Organization) - I will resign at the end of my term if appointed but will remain a member of Rotary wherever I am placed.

Single Managing Member - Rental Property 101, LLC - For profit online marketing business (non-law related). I will continue to operate the business. I am the sole member and will retain the business.

Board Member - Unlicensed Practice of Law Committee B. I will resign if appointed.

33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

August 2017 to Present: Adjunct Professor, Flagler College.

January 2017 to Present: Rental Property 101, LLC.

June 2013 to Present: Adjunct Professor of Legal Studies, Florida State College at Jacksonville.

October 2009: Mock Trial Team Coach for the NYC Civil Rights Competition in Great Neck, NY, Florida Coastal School of Law.

33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

Adjunct Professor

Florida State College at Jacksonville

2013: \$3930.00

2014: \$4005.23

2015: \$6010.65

2016: \$3780.00

Adjunct Professor

**POSSIBLE BIAS OR PREJUDICE:**

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None.

**MISCELLANEOUS:**

35a. Have you ever been convicted of a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No XX If "Yes" what charges? \_\_\_\_\_

Where convicted? N/A Date of Conviction: N/A

35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?

Yes X (DPA) No No Plea If "Yes" what charges? \_\_\_\_\_ Misdemeanor Stealing and Destruction of Property

Where convicted? NOT Convicted -- Missouri in 1998 Date of Conviction: NOT Convicted - Deferred Prosecution in 1998

35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No XX If "Yes" what charges? \_\_\_\_\_

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.

No.

36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?

No.

36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.

No.

37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?

No.

37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.

No.

38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

I believe I was involved as a class action plaintiff in the BarBri class action lawsuit. I never hired/retained any counsel or filed any petition or pleading. Here is the website detailing the suit: <http://www.barbri-classaction.com/barbri/default.htm>

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

No. Although, in full disclosure, I did have an informal hearing with the Florida Board of Bar Examiners about my arrest history prior to being admitted to the Florida Bar.

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v)).

No.

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

No.

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No.

43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes  No  If no, please explain. \_\_\_\_\_

43b. Have you ever paid a tax penalty?

Yes  No  If yes, please explain what and why. \_\_\_\_\_

- 43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?  
No.

#### HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.  
No

45. List any honors, prizes or awards you have received. Give dates.

Law School GPA: 3.05 - Top 20%

Dean's Scholar Award (Top 10%): Fall 2005

Dean's List Awards (Top 20%): Spring 2004/Spring 2005/Spring 2006

Mock Trial Team: 2004 - 2006

Best Advocate Mock Trial Team 2006

Best Trial Team: Trial Practice Competition 2005

Best Objections: Trial Practice Competition 2005

Best Oral Advocate: Lawyer Process Spring 2004

Humanitarian Service Award: 2006

Certificate of Appreciation for Operation "Rock Star" a Tri-County Narcotics Task Force Prosecution

Board Certified Criminal Trial Lawyer - 2016

46. List and describe any speeches or lectures you have given.

I teach Business Law and Criminal Courts at Flagler College.

I teach Litigation for Paralegals at Florida State College at Jacksonville.

On December 7, 2017, I presented Hearsay and Character Evidence for the Florida Bar Young Lawyer's Division Basic Criminal CLE.

On May 19, 2017, I presented on Criminal Procedure for the Florida Bar - Young Lawyer Division's Basic Criminal CLE.

On April 3, 2017, I presented on Ethics and the Unlicensed Practice of law for the Paralegal Program at Florida State College at Jacksonville.

On February 17, 2016, I presented on Cross Exam with Sabrina Slack for a 1 hour CLE in St. Johns County for the St. Johns County Bar Association.

On January 22, 2015, I presented Jury Selection with Judge McGillin for a 1 hour CLE in St. Johns County for the St. Johns County bar Association.

On August 22, 2014, I presented to the Flagler Association of Realtors regarding the "Do's and Don'ts of Property Management"

47. Do you have a Martindale-Hubbell rating? Yes  If so, what is it? \_\_\_ No



**PROFESSIONAL AND OTHER ACTIVITIES:**

- 48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

Saint Johns County Bar Association - Treasurer (2013), Secretary (2014), VP (2015), P (2016)

Putnam County Bar Association - I believe from 2007-2014.

Unlicensed Practice of Law Committee - I believe from 2013 - Present

- 48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Saint Johns County Sportsclub - 2012 - Present: Past President

Saint Augustine Rotary Club - 2011 - Present: Board Member

- 48c. List your hobbies or other vocational interests.

Reading

Adventure Racing, Road Races, Obstacle Course Races, Biking and Sports in General

Saint Louis Cardinals Baseball.

- 48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

No.

- 48e. Describe any pro bono legal work you have done. Give dates.

In 2015, I began a personal policy that I would carry one pro-bono client at all times. I have one requirement that they sign up through St. Johns County Legal Aid for verification. This ensures that I am helping someone truly in need and that Legal Aid can get credit for my hours. I just finished representing a woman in her divorce. She makes less than \$25,000.00 per year and has four children, one of which has a serious medical issue, and her husband just walked out on her and gave her no financial support. I have spent over 30 hours on her case the past year. I am looking into new opportunities with legal aid.

Previously, I have represented a gentleman with cancer in a breach of contract dispute over his rent to own home and I have represented a family in a dispute with the county who wanted to take their dog from them. I have also done some clinic hours with legal aid.

**SUPPLEMENTAL INFORMATION:**

49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

Yes. Most recently in the area of Criminal Law for my board certification.

See Attached Exhibit "C" for more detail.

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

See #46.

In addition, I have coached or guest coached several mock trial teams. More recently, I have been helping with the Flagler College Trial Team in 2017 and 2018.

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

None.

51. Explain the particular potential contribution you believe your selection would bring to this position.

I offer the citizens of the 7<sup>th</sup> judicial circuit, the legal community, and the local bench a diverse background filled with passion, commitment, and fundamental fairness. I have been blessed to work with strong organizations and companies that have provided for uninhibited growth both in my legal and personal life. I feel the role of a Judge is a calling. I recognize that there is more money to be made in private practice, however, I feel compelled to rejoin the ranks of public service. I appreciate all of the judges that have come before me and want to emulate many but also bring my own work ethic and public service mindset to provide not just the attorneys but also the general public with a judge that is fair, respectful and willing to work hard.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

7<sup>th</sup> Circuit JNC - 2012

7<sup>th</sup> Circuit JNC - 2014

7<sup>th</sup> Circuit JNC - 2017

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

None.

#### REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

1. Judge Joe Boatwright [REDACTED]

2. Judge Alexander Christine [REDACTED] 4010 Lewis Speedway, Saint Augustine, FL 32084

3. Patrick Canan, Canan Law Firm, [REDACTED]
4. J. Stephen Alexander, Alexander Law Firm, [REDACTED]
5. Tracy Upchurch, Esq., Flagler College, [REDACTED]
6. Nick Martino, Martino Law, Florida State College, [REDACTED]
7. Alyssa Camper, Alyssa Camper Law, [REDACTED]
8. Jason Gropper, Public Defender's Office, [REDACTED]
9. Daniel Mowrey, Mowrey, Shoemaker and Beardsley, [REDACTED]
10. Graham Harris, Bailiff, [REDACTED]

CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 13 day of November, 2018.

DANIEL HILSON  
Printed Name

[Signature]  
Signature

*(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.*

## FINANCIAL HISTORY

In lieu of answering the questions on this page, you may attach copies of your completed Federal Income Tax Returns for the preceding three (3) years. Those income tax returns should include returns from a professional association. If you answer the questions on this page, you do not have to file copies of your tax returns.

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

2017: Associate Attorney, Canan Law Firm: \$109,339.67

2016: Associate Attorney, Canan Law Firm: \$104,283.74

2015: Associate Attorney, Canan Law Firm: \$84,296.39

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

2017: \$87,999.68

2016: \$83,989.73

2015: \$70,594.06

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Flagler College:

2017: \$2316.00

Florida State College at Jacksonville

2016: \$3,780.00

2015: \$6,010.65

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Flagler College:

2017: \$2172.43

Florida State College at Jacksonville:

2016: \$3,721.54

2015: \$6,010.65

2014: \$3,942.43

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: 11/13/18

JNC Submitting To: Florida 7<sup>th</sup> Judicial Circuit

Name (please print): Daniel Karl Hilbert

Current Occupation: Attorney

Telephone Number: (904) [REDACTED] Attorney No.: 0044167

Gender (check one):  Male  Female

Male

Female

Ethnic Origin (check one):  White, non Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Saint Johns County

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE  
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR FDLE  
TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of  
Applicant:

Daniel K. Hilbert

Signature of Applicant:

Date: 11/13/18